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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/899,095 | 07/06/2001 | Tomonori Hamada | 1602-0173P | 2746 |
| 2292 | 7590 | 04/02/2004 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | STRIMBU, GREGORY J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3634 | |

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,095

Applicant(s)

HAMADA ET AL.

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7,9,12,18,19,21 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7,9,12,18,19,21 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date 24.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Drawings

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on February 4, 2003 and July 16, 2003 have been approved.

Claim Objections

Claim 4 is objected to because it fails to end with a period. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 2, 4, 7, 9, 12, 18, 19, 21 and 23-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "disposed in a region" on lines 30-33 of claim 2 render the claims indefinite because it is unclear when the tip end of the protrusion is disposed. Is the applicant referring to when the protrusion contacts the lip or when the protrusion does not contact the lip? Recitations such as "between" on line 33 of claim 2 render the claims indefinite because it is unclear how the tip end of the protrusion can be between portions of the lip since the protrusion only contacts the lip rather than extend into the lip. Recitations such as "door glass" on line 5 of claim 4 render the claims indefinite because it is unclear if the applicant is referring to the door glass set forth above or is attempting to set forth another door glass in addition to the one set forth above. Recitations such as

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"said second lip" on line 6 of claim 4 render the claims indefinite because it is unclear if the applicant is referring to the lip extending from the at least one side portion or is referring to another lip? Recitations such as "base end portion" on line 4 of claim 9 render the claims indefinite because it is unclear what element of the invention includes the portion the applicant is referring to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by British Patent Application No. 2 334 064. British Patent Application No. 2 334 064 discloses, in figure 6, a door glass run attached to a door sash (not shown, but see lines 7 of page 1) of a vehicle comprising a door glass run body 30, formed into substantial U-shaped cross section which has a first side portion (not numbered, but shown in figure 6), a second side portion (not numbered, but shown in figure 6) and a bottom face portion 31, and a first lip 34 extending from an edge of the first side portion toward the bottom face portion and slidably contacting with the first surface of the door glass WG, and a second lip 33 extending from an edge of the second side portion toward the bottom face portion and slidably contacting with the second surface of the door glass WG

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wherein at least one of the side portions includes a protrusion 37 facing the lip extending from the at least one side portion, a height of the protrusion is set so that when the lip extending from the at least one side portion is pressed against the protrusion, a tip end portion of the lip 35 extending from the at least one side portion does not contact with the side portion including the protrusion, a cross section shape of the protrusion is arcuate, and a tip end of the protrusion (not numbered, but comprising an upper portion of the protrusion as shown in figure 6) is disposed in a region between part of the lip extending from the at least one side portion which contacts with the door glass and a base end portion of the lip extending from the at least one side portion and not including the part of the lip extending from the at least one side portion.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nozaki et al. in view of Hayashi et al. Nozaki et al. disclose a door glass run attached to a door sash 2 of a vehicle for sealing between the door sash and a door glass 3 having a first surface and a second surface comprising a door glass run body 4 formed into a substantial U shaped cross

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section which has a first side portion 42, a second side portion 43 and a bottom face portion 41, a first lip 44 extending from an edge of the first side portion toward the bottom face portion 41 and slidably contacting with the first surface of the door glass, and a second lip 45 extending from an edge of the second side portion toward the bottom face portion and slidably contacting with the second surface of the door glass, wherein a length of the first lip is set so that when the door glass is in a position where the door glass presses the second lip against the second side portion, the first lip contacts the first surface of the door glass, a length of the second lip is set so that when the door glass is in a position where the door glass presses the first lip against the first side portion which includes the protrusion 47, the second lip contacts the second surface of the door glass, at least one of the lips 44 includes a concave notch portion 442 at a base portion thereof. Nozaki et al. is silent concerning the particular depth of the notch.

However, Hayashi et al. discloses a door glass run comprising a notch 38 having a depth of 0.5mm.

It would have been obvious to one of ordinary skill in the art to provide the notch of Nozaki et al. with a depth, as taught by Hayashi et al., to insure the proper pivoting movement of the lip 50 as the lip engages the glass.

Claims 2, 4, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nozaki et al. in view of British Patent Application No. 2 334 064. Nozaki et al. disclose a door glass run attached to a door sash 2 of a vehicle for sealing between the door sash and a door glass 3 having a first

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surface and a second surface comprising a door glass run body 4 formed into a substantial U shaped cross section which has a first side portion 42, a second side portion 43 and a bottom face portion 41, a first lip 44 extending from an edge of the first side portion toward the bottom face portion 41 and slidably contacting with the first surface of the door glass, and a second lip 45 extending from an edge of the second side portion toward the bottom face portion and slidably contacting with the second surface of the door glass, wherein a length of the first lip is set so that when the door glass is in a position where the door glass presses the second lip against the second side portion, the first lip contacts the first surface of the door glass, a length of the second lip is set so that when the door glass is in a position where the door glass presses the first lip against the first side portion which includes the protrusion 47, the second lip contacts the second surface of the door glass, at least one of the lips 44 includes a concave notch portion 442 at a base portion thereof. Nozaki et al. is silent concerning a protrusion.

However, British Patent Application No. 2 334 064 discloses, in figure 6, a door glass run attached to a door sash (not shown, but see lines 7 of page 1) of a vehicle comprising a door glass run body 30, formed into substantial U-shaped cross section which has a first side portion (not numbered, but shown in figure 6), a second side portion (not numbered, but shown in figure 6) and a bottom face portion 31, and a first lip 34 extending from an edge of the first side portion toward the bottom face portion and slidably contacting with the first surface of the door glass WG, and a second lip 33 extending from an edge of the second side

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portion toward the bottom face portion and slidably contacting with the second surface of the door glass WG wherein at least one of the side portions includes a protrusion 37 facing the lip extending from the at least one side portion, a height of the protrusion is set so that when the lip extending from the at least one side portion is pressed against the protrusion, a tip end portion of the lip 35 extending from the at least one side portion does not contact with the side portion including the protrusion, a cross section shape of the protrusion is arcuate, and a tip end of the protrusion (not numbered, but comprising an upper portion of the protrusion as shown in figure 6) is disposed in a region between part of the lip extending from the at least one side portion which contacts with the door glass and a base end portion of the lip extending from the at least one side portion and not including the part of the lip extending from the at least one side portion.

It would have been obvious to one of ordinary skill in the art to provide Nozaki et al. with a protrusion, as taught by British Patent Application No. 2 334 064, to reduce wind noise.

Claims 12, 19, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nozaki et al. in view of British Patent Application No. 2 334 064 as applied to claims 2, 4, 7 and 9 above, and further in view of Hayashi et al. Hayashi et al. discloses a door glass run comprising a notch 38 having a depth of 0.5mm.

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It would have been obvious to one of ordinary skill in the art to provide the notch of Nozaki et al., as modified above, with a depth, as taught by Hayashi et al., to insure the proper pivoting movement of the lip as the lip engages the glass.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over British Patent Application No. 2 334 064 as applied to claims 2 and 24 above, and further in view of Japanese Patent Publication No. 57-45416. Japanese Patent Publication No. 57-45416 discloses a door glass run comprising first and second protrusions (not numbered, but shown in figure 5).

It would have been obvious to one of ordinary skill in the art to provide British Patent Application No. 2 334 064 with two protrusions, as taught by Japanese Patent Publication No. 57-45416, to further prevent wind noise.

Response to Arguments

Applicant's arguments filed December 31, 2003 have been fully considered but they are moot in view of the new grounds of rejection.

It is suggested that the applicant amend claims 2 and 24 to recite the contact point P_A rather than "a part of said lip" to better define the invention over the prior art.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The applicant has amended claim 1 to include

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the new limitation of "a length of said first lip is set so that . . . presses said second lip against said second side portion" on lines 15-19 of claim 1.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
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March 31, 2004